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A GENUINE
ACCOUNT
OF THE
PROCEEDINGS
ON THE
TRIAL
OF
Florence Hensley, M. D.

AT THE

Bar of the *King's Bench Court* in *Westminster-Hall*,

UPON AN

Indictment in the Crown for High Treason, in carrying on a Correspondence with *France* by Letters, in which he gave a particular Account of our Fleets and Armies, and the Places of their Destination ;

Before the RIGHT HONOURABLE the
EARL of *MANSFIELD*,

And other Justices of the said Court, and a special Jury of Freeholders of the County of *Middlesex*,

On *Monday* the 12th Day of *June*, 1758, when the Prisoner was found Guilty.

Together with the Substance of the said LETTERS.

With a curious COPPER-PLATE.

L O N D O N :

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(Price One Shilling)





T H E
T R I A L
O F

Florence Hensley, M.D.

BEFORE the Right Honourable the Earl of MANSFIELD, Lord Chief Justice of the *King's Bench* Court in *Westminster-Hall*, and the other Justices of the said Court, on *Monday* the twelfth Day of *June*, in the Year of Our LORD 1758.

THE Court began to sit about Ten of the Clock in the Forenoon, and after the usual Proclamation was made, the Clerk proceeded to call
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over a List of the Special Jury, who had been previously summoned for to try this important Cause, to the Number of One Hundred and Thirty Gentlemen, or thereabouts, all Freeholders of the County of *Middlesex*. Which being done, Twelve Gentlemen were called and sworn:

THEY were all sworn well and truly to try the Matters then depending between our Sovereign Lord the King, and the Prisoner at the Bar, and to give a true Verdict, according to that Evidence which should then and there be produced before them.

IN the Course of which several of the Jury were challenged by the Prisoner, and two only on the Side of the Crown.

Clerk. Gentlemen, are you all sworn?

Officer. Yes.

THEN the Clerk proceeded to read the Indictment against the Prisoner at the Bar, in the Manner and to the Effect following.

Clerk. *Florence Hensley*, Doctor of Physick, hold up your Hand.

Which the Prisoner did.

Clerk. *Florence Hensley*, you stand indicted by the Name of *Florence Hensley*, Doctor of Physick, late of *Arundel Street* in the *Strand*, in the County of *Middlesex*; for that you not having the Fear of G O D before your Eyes, and that Duty and Allegiance you owe to your King and Country,

Country, and being moved by the Instigation of the Devil, the evil Suggestions of your own Heart, and the wicked Advices and Counsels of the Enemies of our Sovereign Lord the King, you did traiterously, villainously, and secretly carry on and hold by the Means of divers Letters and Papers a treasonable Correspondence with the Agents and Officers Subjects of *Louis* the *French* King, and adhered to the Enemies of His Majesty King *GEORGE*, and you did invite a Foreign Enemy to levy War in these Kingdoms, contrary to your Allegiance and to all the Ties of Humanity. You have taken Part with the *French*, the Enemies of your King and Country, and with whom you knew that our Sovereign Lord the King was now in open War, and did send to the Enemies of our said Sovereign Lord the King, from Time to Time, and at all Times, which lay in your Power, and to the utmost of your Power a great Number of Letters, Writings and Papers containing a particular Account and Intelligence of what Fleets or Squadrons were fitting out, the Number of Men each Ship carried, as also the Number of Guns and the Weight thereof, and whereto they were severally destined; with the State of the Nation with Regard to the present Disposition of the People, the publick Finances, and the like; and particularly in Relation to the late Expedition against *Rochefort*, in which you traiterously happened unluckily, in one of your Letters, to guess on the very Place to which that Fleet was destined; all which you have wickedly, maliciously and designedly done to hurt and injure your own Country, and to subvert the Constitution thereof; you therefore stand indicted in two Respects. First, For that you have wicked-

ly, traiterously, and without the least Provocation, or other Motive, inducing you thereto, compassing the Sacred Life of our Sovereign Lord the King. And Secondly, For that you have, contrary to that Duty you owe to your Country, kept a treasonable Correspondence with the Enemies of the said Sovereign Lord the King and his Subjects, during the Time this Nation was at War with *France*.

To this Indictment you have pleaded, Not guilty; and now you stand on your Deliverance, and God grant you a good one.

THE Council for the Crown were, Mr. Attorney and Mr. Solicitor General, Sir *Richard Lloyd*, Mr. *Norton*, &c. and for the Prisoner, Mr. *Moreton* and Mr. *Howard*, who had been assigned the Prisoner, by a Rule of Court of last *Easter Term*.

THE Attorney-General opened the Cause with so much Elocution and Humanity, that it must be allowed, in Cases of this Nature, he seems to have introduced a new and more agreeable Method of Pleading; which was to the Effect following:

COUNCIL for the Crown.

GENTLEMEN of the Jury. This is a Trial at Bar, between our Sovereign Lord the King, and the unhappy Prisoner at the Bar; and, Gentlemen, I am of Council against the Prisoner. The Prisoner at the Bar is a Native of the Kingdom of *Ireland*, about, as I am informed, Forty-four or Forty-five Years of Age, and studied Physick at the University of *Leyden* in *Holland*, and where he took his Degree of Doctor, and had a Diploma given him for the practising

practising that useful Art. It seems, the Prisoner, as you have already heard, is indicted for carrying on a treasonable Correspondence by Letters, Papers and Writings with the Agents and Officers Subjects of the *French* King, who are the Enemies, and, I may say, the open, avowed and inveterate Enemies of His Majesty, and of this Nation; for compassing His Sacred Life; a Life dear to every one, and the more so, by the great Length Heaven has been graciously pleased to extend it to; and for sending Letters of Intelligence to the King's Enemies, and keeping up a treasonable Correspondence with those with whom this Nation is at open War. In the first Place, Gentlemen, it becomes necessary for me to lay before you the Nature of the Offence the Prisoner at the Bar, *Florence Hansey*, Doctor of Physick, has been guilty of, and what constitutes his atrocious Crime. In the Year Seventeen Hundred Fifty Six, on the seventeenth Day of *May*, His Majesty issued out a Declaration of War * against

* His Majesty's DECLARATION of WAR against the French King.

GEORGE R.

THE unwarrantable Proceedings of the *French* in the *West-Indies*, and *North America*, since the Conclusion of the Treaty of *Aix la Chapelle*, and the Usurpations and Encroachments made by them upon our Territories, and the Settlements of our Subjects in those Parts, particularly in Our Province of *Nova Scotia*, have been so notorious, and so frequent, that they cannot but be looked upon as a sufficient Evidence of a formed Design and Resolution in that Court, to pursue invariably such Measures, as should most effectually promote their ambitious Views, without any Regard to the most solemn Treaties and Engagements. We have not been wanting in Our Part, to make from Time to Time, the most serious Representations to the *French* King, upon these repeated Acts of Violence, and to endeavour to obtain Redress and Satisfaction for the Injuries done to Our Subjects, and to prevent the like Causes of Complaint for the future :
But

against *France*, and against all the Subjects of that Crown. From the Time of the Date of this Declaration, the Subjects of the *French* King became the Enemies of our Sovereign Lord the King; and the Statute says, that from and after the Time of such Declaration being made against the King and Subjects of any foreign Potentate or Nation, and at any Time during Hostilities between the Enemies of this Nation and the Subjects thereof, if any one of the Subjects of this Nation shall keep any Correspondence with the Enemy, giving him or them Notice of any publick or private Transactions that shall tend to give them any Insight into the Nature of our Strength, either by Sea or Land, such Person shall be deemed guilty of High Treason. These treasonable Transactions have been made Death by several Acts of Parliament; and this constitutes the Nature of the Offence of the Prisoner at the Bar; for were there no such Laws there would be no such Crime; the Law was made to prevent

But though frequent Assurances have been given, that every Thing should be settled agreeable to the Treaties subsisting between the Two Crowns, and particularly that the Evacuation of the Four Neutral Islands in the *West-Indies* should be effected (which was expressly promised to our Ambassador in *France*) the Execution of these Assurances, and of the Treaties on which they were founded, has been evaded under the most frivolous Pretences; and the unjustifiable Practices of the *French* Governors, and of the Officers acting under their Authority, were still carried on, 'till at length, in the Month of *April*, 1754, they broke out in open Acts of Hostility, when, in Time of profound Peace, without any Declaration of War, and without any previous Notice given, or Application made, a Body of *French* Troops under the Command of an Officer bearing the *French* King's Commission, attacked in an hostile Manner, and possessed themselves of the *English* Fort on the *Ohio* in *North America*.

But notwithstanding this Act of Hostility, which could not but be looked upon as a Commencement of War, yet, from
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vent the evil Tendency of the Prisoner's Offence, which is that I am come now to speak to ; and I am sorry for the Prisoner's Sake to say, that his Offence is of so pernicious a Nature that it tends to deprive His Majesty of his Crown and Dignity, by endeavouring to shorten a Reign of so glorious a Length, and in which there has hitherto

Our earnest Desire of Peace, and in Hopes the Court of *France* would disavow this Violence and Injustice, We contented Ourselves with sending such a Force to *America*, as was indispensably necessary for the immediate Defence and Protection of Our Subjects against fresh Attacks and Insults.

In the mean Time great Naval Armaments were preparing in the Ports of *France*, and a considerable Body of *French* Troops embarked for *North America* ; and though the *French* Ambassador was sent back to *England* with specious Professions of a Desire to accommodate these Differences, yet it appeared, that their real Design was only to gain Time for the Passage of those Troops to *America*, which they hoped would secure the Superiority of the *French* Forces in those Parts, and enable them to carry their ambitious and oppressive Projects into Execution.

In these Circumstances We could not but think it incumbent upon Us, to endeavour to prevent the Success of so dangerous a Design, and to oppose the Landing of the *French* Troops in *America* ; and in Consequence of the just and necessary Measures We had taken for that Purpose, the *French* Ambassador was immediately recalled from Our Court, the Fortifications at *Dunkirk*, which had been repairing for some Time, were enlarged ; great Bodies of Troops marched down to the Coast ; and Our Kingdoms were threatened with an Invasion.

In order to prevent the Execution of these Designs, and to provide for the Security of Our Kingdoms, which were thus threatened, We could no longer forbear giving Orders for the seizing at Sea the Ships of the *French* King, and his Subjects. Notwithstanding which, as We were still unwilling to give up all Hopes that an Accommodation might be effected, We have contented Ourselves hitherto with detaining the said Ships, and preserving them, and (as far as was possible) their Cargoes intire, without proceeding to the Confiscation of them ; but it being now evident by the hostile Invasion actually made by the *French* King of Our Island of *Minorca*, that it is the determined Resolution of that Court to hearken to no Terms of Peace, but to carry on the War, which has been

hitherto been uninterrupted Peace and Plenty, every Man has also hitherto sat quietly under his own Vine, drank thereof, reaped the Fruits of his Labour without Oppression, and in which every Subject may really be said to have received the Fullness of Joy, and in a Sense Pleasures for evermore; but on the contrary the unhappy Prisoner

been long begun on their Part, with the utmost Violence, We can no longer remain, consistently with what We owe to Our own Honour, and to the Welfare of Our Subjects, within those Bounds, which, from a Desire of Peace, We had hitherto observed.

We have therefore thought proper to declare War; and We do hereby Declare War against the *French King*, who hath so unjustly begun it, relying on the Help of Almighty God, in our just Undertaking, and being assured of the hearty Concurrence and Assistance of Our Subjects, in support of so good a Cause; hereby willing and requiring Our Captain General of our Forces, Our Commissioners for executing the Office of Our High Admiral of *Great Britain*, Our Lieutenants of Our several Counties, Governors of Our Forts and Garrisons, and all other Officers and Soldiers under them, by Sea and Land, to do and execute all Acts of Hostility, in the Prosecution of this War against the *French King*, his Vassals and Subjects, and to oppose their Attempts: Willing and requiring all Our Subjects to take Notice of the same; whom We henceforth strictly forbid to hold any Correspondence or Communication with the said *French King*, or his Subjects. And We do hereby command Our own Subjects, and advertise all other Persons of what Nation soever, not to transport or carry any Soldiers, Arms, Powder, Ammunition, or other Contraband Goods, to any of the Territories, Lands, Plantations, or Countries of the said *French King*; Declaring, That whatsoever Ship or Vessel shall be met withal, transporting or carrying any Soldiers, Arms, Powder, Ammunition, or any other Contraband Goods, to any of the Territories, Lands, Plantations, or Countries of the said *French King*, the same, being taken, shall be condemned as good and lawful Prizes.

And whereas there are remaining in Our Kingdom, divers of the Subjects of the *French King*, We do hereby declare Our Royal Intention to be, That all the Subjects who shall demean themselves dutifully towards Us, shall be safe in their Persons and Effects.

Given at Our Court at Kensington, the 17th Day of May, 1756, in the 29th Year of Our Reign.

G O D save the K I N G.

soner at the Bar has wickedly endeavoured to bring on the Inhabitants of this Island, an Invasion from the *French* King, and a total Destruction of the Lives, Liberties and Religion of every *Englishman*, and in its dreadful and horrid Consequences make us a Province to *France*; a Design our Enemies have long projected, and a Design which the Prisoner at the Bar has, as far as lies in his Power, forwarded. Now for your Satisfaction, Gentlemen, that the unhappy Prisoner at the Bar has been guilty of the heinous and detestable Crime of which he now stands charged, we shall shew you, that he has wrote several Letters to the *French* King's Subjects giving them from Time to Time, particularly several sent directed to *Paris*, Intelligence of what passed relative to our naval and other Preparations made in this Kingdom, in Order to destroy the Power of the *French* King our inveterate and natural Enemy; an Enemy who seeks to destroy our Liberties, enslave our Persons, rob us of the wisest of Monarchs, ruin the best constituted Nation upon Earth, and abolish the Protestant Faith, by sending the said Letters he the Prisoner has done to the utmost all that lies in his Power. Indeed, it may be said, that several of these Letters were intercepted, and so did not reach the Persons to whom they were sent, and so no evil Consequence resulted from them, from the writing of them, or from the sending of them; and therefore it may be objected, that these Letters are no Overt-Act of the Prisoner; but when we, on the Side of the Crown, shall come to read these Letters, under the Favour of the Court, and prove to you that they were sent by the Prisoner at the Bar with an Intent, with a very plain Intent to be delivered to the Enemies of our Sovereign Lord the King, then you will

be of Opinion that the sending of these Letters was an Overt-Act; and that every Letter was at the Time of its being sent an absolute Overt-Act. It is true, had these Letters remained in the Hands of the Prisoner, and had not been sent by him, as far as lay in his Power, to the Enemies of His Majesty, then in such Case though they would have been treasonable Papers and Letters, yet there would have been no Overt-Act in them, because they were not sent, yet such Letters and Papers being found in the Possession of the Prisoner would have shewn him to be a dangerous Person. It is much the same as in Case of treasonable Thoughts, they cannot become no Way an Overt-Act till they are uttered in the Presence and Hearing of a second or more Persons, and then treasonable Words become an Overt-Act, and by the Law are justly deemed to be High Treason. We shall prove to you by undeniable Evidence, that many Letters of treasonable Correspondence were found in the Custody and Possession of the Prisoner at the Bar, both sent by him to the Enemy, and received from the Enemy by him, in several of which directed to *Paris*, he gives the *French* Notice of several of our Armaments, what Number of Ships the King our Sovereign was fitting out to defend this Nation and to annoy the Subjects of the *French* King, what Number of Men and Guns they contained, and on what Services sent, and to what Places destined. By Letters, found in his Possession, sent him it will appear, that the Prisoner at the Bar received on the Account of this treasonable Correspondence, after the Rate of an Hundred Guineas a-year of the Enemy for carrying on this iniquitous Correspondence. For so trifling a Sum did he betray his Country! but it will likewise appear, that the Prisoner Doctor *Florence Hend-*
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sey did not carry on this wicked Correspondence so much for Gain, as through Inclination and Principle, though indeed afterwards in a Letter which was intercepted, directed to him, we find he had complained that the above Sum of twenty-five Guineas a Quarter, or One Hundred Guineas a-year was not sufficient, and that he hoped and expected it should be doubled; and the same Letter gives him Hopes that it would be soon. The Prisoner gave the *French* the first Account of Admiral *Boscawen's* sailing to *North-America*, and of the Taking the *Alcide* and *Lys*, with every minute Circumstance relating thereto. It might in a great Measure be owing to the treacherous and treasonable Correspondence of the Prisoner at the Bar, that the late well-concerted Affair of the Secret Expedition miscarried, since we find, in one of his Letters, though he could not know, for the least Certainty, that that Fleet was destined for *Rochefort*, he has unluckily hit on that for the Place of its Destination, in these very express Words: "You may depend upon it that the *English* Fleet is designed against *Rochefort*, and *Rochefort* only:" And by this unlucky Conjecture gave the Enemy timely Notice to stand on their Guard, and by that Means, as it did turn out, prevent the Designs of His Majesty in crushing the Power and Insolence of the *French* King, and his Subjects. That the Prisoner was by Inclination more than Interest an Enemy to His present Majesty, and our happy Constitution will appear particularly from one Letter we shall produce to you, in which he says, he had a great Regard for the *French* Nation, and that he offered his Service not only from Interest but Inclination, to promote the Welfare of that Country. Another Letter is

written on Purpose to advise the Enemy to invade this Island; and by one Blow to extirpate the *British* Liberty; he tells his Correspondent, that the *English* were generally dissatisfied, that their Finances were well-nigh exhausted, that the Publick Credit was totally destroyed, and that therefore now was the Time to give the final Blow. To advise the Enemy at War with this Kingdom to come and invade this Island is High Treason, it is endeavouring to dethrone His Majesty, and it is compassing the Life of the King; and we shall leave it with you, Gentlemen, to consider how far, if his evil Advice had been taken, and had succeeded, it might have affected every individual Subject of His Majesty, their Lives, Families, Fortunes and Liberties. Of these Things you are the proper Judges, how far they might probably have reached. But, Gentlemen, notwithstanding all that has been said, against the Prisoner at the Bar, there rests for your Consideration one or two Things; the first is, whether the Prisoner wrote these Letters before the Declaration of the War against the *French* King; for if he wrote them before and sent them before that Event, then they are not treasonable, because not wrote and sent to the Enemy in the Time of open War; but if you should find they were wrote after the Declaration of such War against the *French* King, then they are so many separate Acts of High Treason. Again, though these Letters, Papers and Writings were found in the Custody and Possession of the Prisoner at the Bar, it does not follow therefore, that they were wrote by him; and therefore it will be necessary for us, in Order to satisfy you, that they were wrote by him, to prove his Hand-writing by such Persons who have seen him write, and who

who have been conversant with him for many Years, that most of these Letters, Papers and Writings are severally the Hand-writing of the Prisoner at the Bar. One of these Witnesses, particularly, has been intimately acquainted with Doctor *Hensley* for Ten Years, has seen him during that Time, write several Letters, Papers and other Writings, and is now possessed of several Letters sent to him by the Prisoner. We shall therefore in producing to you our Evidence, first make it appear, that the Letters, Papers and Writings now in my Hand, now about to be produced to you and the Court were taken in the Custody and Possession of the Prisoner. Secondly, that many of them are the Hand-writing of the Prisoner. Thirdly, that he the Prisoner did send several Letters he wrote to the Enemies of His Majesty, and his liege Subjects. As to the Subject of the Letters and Papers, you will not only hear them read in Court, I mean the Translation of them out of the *French* into the *English*, but both the Originals and the Translations of these Papers, Letters and Writings will be laid before you. When all this is done, you, Gentlemen, will be proper Judges of their destructive Tendency; you, indeed, under the Sufferance of the Court are the only Judges of this Fact; and I do not doubt, I make no Doubt, if the general Tendency of these Letters, Writings and Papers be found to be destructive of the Peace of the Nation, thereby compassing the Life of His Most Sacred Majesty, our Sovereign Lord the King; and tend, as I think they plainly do, to the Subversion of our happy Constitution, you will find a Verdict accordingly. We will now therefore proceed to prove the first Thing we have undertaken, viz. That the Papers and Letters

Letters I have now in my Hand were found in and taken out of the Custody of the Prisoner at the Bar.

Call *Nathan Carrington*.

Clerk. You shall true Answer make to all Questions asked you in the Cause now depending in this Court, between our Sovereign Lord the King and the Prisoner at the Bar. And the Evidence you shall give, shall be the Truth, the whole Truth, and nothing but the Truth. So help you God.

Officer. Sworn.

Council for the Crown. Mr. *Carrington* tell the Court and the Jury sworn, what you know in Relation to any Letters, Papers and Writings found in the Custody and Possession of the Prisoner at the Bar.

Carrington. Some of the Prisoner's Letters being intercepted by one belonging to the General Post-Office, and a strong Suspicion of a treasonable Correspondence appearing to be carrying on;—

Mr. *Carrington* speaking somewhat low, tho' very distinct, he was desired to speak out, so that all the Jury might hear; and to that End, he was also desired to look towards the Place in which the Jury sat.

—On the twenty-first Day of *August* last, I went, by Virtue of a Warrant directed to me by the Secretary of State, with full Power, to apprehend the Prisoner at the Bar, and search his House, Lodging and Person on Suspicion of his carrying on a treasonable Correspondence with the *French*, for Letters, Papers, Writings, or other Things relative to such Negotiations, which might have passed, or was then transacting between the Agents and Subjects of the *French* King

King, and Doctor *Hensley*, the Party then suspected. Accordingly, taking with me proper Assistants, I went early in the Morning of the said twenty-first Day of *August* last to Doctor *Hensley's* Lodgings in *Arundel-street* in the *Strand*. On sending my young Man to ask, whether the Doctor was at Home, he was told by the Servant-maid, that the Doctor was not within, but that he would not be long before he came Home, for that he was only gone, as he was used to do every Morning, to Prayers to the *Catholic Church* in *Soho-Square*; and that he always came directly Home, after Divine Service was ended, before he went to visit his Patients, and before he went elsewhere about his other Business. When I had received this Answer, I soon concluded, that as one of my Assistants knew the Doctor well by Sight, we would go from thence immediately to the *Popish Chapel* in *Soho-Square*, and see if we could pick him up. When we were come there, the Mass was finishing, and the People soon after coming out, the Doctor also coming out, my Assistant shewed me the Prisoner. On which I acquainted the Prisoner with my Business; which done, I conducted him to my own House; and then I acquainted the Office that I had taken the Prisoner at the Bar, and the Manner in which it happened.

Co. for Crown. After you had taken Mr. *Hensley*, as he was coming out of the *Popish Chapel* in *Soho-Square*, and conducted him to your own House, what followed?

Carrington. I took him into a back Room, and assisted by two others, or rather while two other Persons were present, I searched all his Pockets, and the Lining of his Coat, Waistcoat and Breeches; all which I caused him one after another to pull off: I likewise searched his Shoes,
and

and the Lining of his Hat. In this Search, I did not find so much as one Letter, Note, Paper or Writing whatever.

Co. for Crown. When did you make this diligent Search into the Pockets and Cloaths of the Prisoner? Was it before you went to the Office, or after?

Carrington. It was immediately after I had brought him into my own House. It is customary to search Prisoners, especially such as are suspected of having about them Letters and Writings of a treasonable Nature, as soon as is convenient, lest they should find Means, if they have any about them, either to destroy them, or to convey them away. But nothing of a treasonable Nature was found about the Doctor. And this Search happened about an Hour before I went to the Office.

Co. for Crown. Take Time:—Well, and what did you after all this?

Carrington. I, with my Assistants, went in the Afternoon to the Prisoner's Lodgings in *Arundel-street* in the *Strand*. When I came there, I found the House was not the Doctor's, but only that he lodged there; that he had a Room up two Pair of Stairs, which was his Bed-chamber, and a Parlour in which was a Bureau, a Glass, and several Chairs. I asked the Mistress of the House, who is a Widow-Woman, whether the Lodgings she had let Doctor *Hensley* were ready furnished? And, whether the Bureau which I then saw in the Parlour where I was, was in the Use and Possession of the Doctor? She replied. That both the Rooms, she had let Doctor *Hensley*, were ready furnished, and that the Doctor used the Bureau for to put his Papers in, and the Drawers for his Linnen. I asked for the Key of the Bureau, in Order to see what Kind of Letters

Letters they were which belonged to the Doctor. But I was told, that the Doctor had the Key, and that it was not to be found. Whereupon I was thinking to send for two Chairmen, and have the Bureau carried by them to my House on one of their Carriages, but recollecting that I had got about me my Keys, I tried whether the Key of my Bureau would open the Doctor's Bureau, and upon trying it, it opened it; and then I took out all the Writings, Letters and Papers I could find.

Co. for Crown. Then you are sure you took out all the Letters, Papers and Writings then in the Prisoner's Bureau.

Carrington. On such Occasions I sweep all Writings, Letters and Papers away whether they relate to the Subject or not; for at such Times we cannot stand to be veay exact; and it is far better to take too much than to take too little; and afterwards what does not relate to the Affair for which the Prisoner is charged, is carefully returned him. This has always been the Practice ever since I have had the Honour to be one of His Majesty's Messengers. As for my own Part, I always take particular Notice of what Letters, Writings and Papers I take in a Prisoner's Possession, and I mark them that I may know them again.

Co. for Crown. If you were to see those Letters, Writings and Papers you took out of the Bureau then in the Possession and Use of the Prisoner at the Bar, do you think you should know them?

Carrington. Yes, I should; — I am sure, that I should know them; — they have all got my Mark upon them.

Q. Look on these Letters and Papers, and let the Court and Jury know, whether these are
D the

the very Letters and Papers you took out of the Prisoner's Bureau.

Carrington, (*takes the Letters and Papers into his Hand, and examines them, and then says,*) They have been numbered since they were in my Hands; but here is my Mark on every one of them; and these are the very Letters, Papers and Writings, I took out of Doctor *Hansey's* Bureau.

Q. Did any Body see you take them out of the Bureau?

Carrington. Yes, several; there were present, besides Mr. *Turner*, the Constable, my Assistant, the Woman of the House, who is a Widow, and her Maid.

Mr. *Turner* sworn.

Q. Was you with Mr. *Carrington* on the twenty-first Day of *August* last, when he searched the Prisoner's Lodgings? What passed at that Time?

Turner. I went with him to assist him, and I saw him (*looking on them*) take these very Letters, Papers and Writings out of the Doctor's Bureau; I know them to be the same, I looked particularly on them, and afterwards I read one or two of them.

Q. Do you understand *French*?

Turner. Yes.

The Constable sworn.

Co. for Crown. Was you with Mr. *Carrington* on the twenty-first Day of *August*, when he went to search the Prisoner's Lodging in *Arundel-street*? Tell what you know of the Matter.

Constable. I see Mr. *Carrington* take several Writings, and Letters out of a Bureau at that Time, but as to whether these are them, I cannot

not say, because I did not take any particular Notice of them; but this I know I carried home the Bag in which I believe, nay I then knew, they were contained.

Q. Where did you carry them to?

Constable. To Mr. *Carrington's* House in *Jermyn-street*, in the Company of Mr. *Carrington*.

Cross-Examined.

Co. for Prisoner. How do you know that the Papers and Letters now in Court are those Mr. *Carrington* took out of the Prisoner's Lodgings in a Bureau in the Parlour?

Constable. I no other Ways know than that they look like to those I put into the Bag, when I carried them to Mr. *Carrington's* House.

Q. Mind what you say, Sir, you are upon your Oath, and can you say upon that Oath you have taken, that the Papers and Letters you now look on, are those very identical Papers and Letters, the King's Messenger took out of the Bureau, on the twenty-first Day of *August* last?

Constable. I take them to be the very same Papers and Letters, which were then taken out of the Prisoner's Bureau; I believe them to be the very same; and to the best of my Knowledge, I am sure they are the very same, which I carried from the Prisoner's Lodgings in *Arundel-street* in the *Strand*, to the House of the King's Messenger in *Jermyn-street*.

Q. Do you on these Occasions always carry the Bag, that you are so very particular?

Constable. For many Years past, I have gone with Mr. *Carrington* to make these Searches and Seizures, and ever since, I have been so employed, I have brought all the Things seized and taken, away, unless the Bulk and Number of them required other Assistance.

To the Constable. Stand by.

Thomas Clark sworn.

Co. for Crown. I think you was with Mr. *Carrington*, in order to assist him, when he went to search the Prisoner's Lodgings : Give an Account of what you then saw and heard.

Clark. Though we had got the Prisoner, I went and asked for him that Afternoon as though I knew no Accident had befall him, but the Maid knew me again, and said, she had not seen the Doctor since I was there in the Morning. I told her, I wanted the Doctor much, that my Mistress was taken very ill, that my Master was afraid she would die, and the like ; and I seemed very urgent to see him, and pretended great Uneasiness and Concern for his Absence. But the Maid said, She could not tell where he was, that she had long expected him, wondered he staid, never did so before, &c. but Mr. *Carrington* coming up to the Door, where I was talking to the Maid, asked her, whether that was Mrs. *Blount's*, and whether Dr. *Hensley* lodged there ? The Girl answered, That her Mistress's Name was *Blount*, and that Doctor *Hensley* lodged there. He desired her to shew him the Doctor's Apartments, which she somewhat unwillingly did, but not before her Mistress came ; when he proceeded as Mr. *Carrington* has already related ; and I saw him take many Papers, Writings and Letters out of the Doctor's Bureau, by the Help of his own Key. Which if he had not done, I had proposed to him the breaking of it open, which I could easily have done.

Q. Do you believe these to be the Papers, Writings and Letters Mr. *Carrington* took out of the Prisoner's Bureau on the twenty-first Day of *August* last ?

Clark.

Clark. I think them to be the same, they look to me to be the same ; and I have seen them two or three times since.

Cross-Examined.

Co. for Pris. Pray, how and when did you see these Papers, Letters and Writings a second or third Time ?

Clark. The next Day after the Papers and Writings were brought Home, my Master and another Gentleman looked over them, sorted them, marked them, and read them, in the Dining-Room, and I attended to and fro most of the Time.

Q. What then you are Mr. *Carrington's* Footman ?

Clark. Rather his Servant, or Assistant ; I am not a hired Servant, but come and wait occasionally, when I am wanted.

Officer. Stand by.

Sarah Wilson sworn.

Co. for Crown. What is your Name ?

Wilson. Sarah Wilson, Sir.

Q. Do you know the Prisoner Doctor *Hense*, when you see him ?

Wilson. Yes. *Speaking very low and faintly.*

Speak out Child ; do not be afraid : Raise your Voice, that my Lords and the Gentlemen of the Jury may hear you ;—there is no Body here will hurt you : Look towards me, speak out, and do not be bashful.

Q. Do you see the Prisoner, Mr. *Hensley*, now in the Court ?

Wilson. Yes, Sir ; he is there, (*pointing to the Prisoner with her Hand*) that is Dr. *Hensley*, and he is now in the same coloured Cloaths he usually was dressed in.

Q.

Q. I find you was a Servant-maid in the House where the Prisoner lodged ; — how long had you lived there ?

Wilson. Nigh six Years.

Q. How long is it since Dr. *Hensley* first came to live in your Mistress's House ?

Wilson. Not quite two Years ; I think, it was towards the End of last Summer was Twelve-month.

Q. Does your Mistress keep a House, and let out Lodgings ?

Wilson. My Mistress keeps a House, and lets out Rooms and Lodgings to Gentlefolks.

Q. Are these Rooms and Lodgings let ready furnished or unfurnished ?

Wilson. My Mistress always lets her Rooms and Lodgings furnished, never unfurnished.

Q. Then the Lodgings your Mistress let to the Prisoner, Dr. *Hensley*, were what are generally termed, *Ready furnished Lodgings* ?

Wilson. Yes ; my Mistress never let her Rooms otherwise than furnished, while I was with her.

Q. You say, while you was with her ;—why, where are you now ?

Wilson. About three Months ago, I was taken into Custody, where I have remained ever since.

Q. What were the Lodgings your Mistress let to the Prisoner at the Bar ?

Wilson. A Room up two Pair of Stairs, and a Parlour, even with the Street, both of them ready furnished.

Q. Was there a Bureau among the Furniture in the Parlour ?

Wilson. There was then a handsome Bureau in the Parlour standing under the Glass.

Q. Was that Bureau in the Use and Possession of Dr. *Hensley* ? Had he the Key of it ?

Wilson.

Wilson. It was generally in his Use, and he used to put his Papers and Linnen in it, and he always had the Key of it, or mostly he had the Key of it.

Q. Did your Mistress let these Rooms to Dr. *Hensley*, by the Week, Month, Quarter, or by the Year?

Wilson. I cannot tell which; but Ready furnished Rooms are generally let by the Month, or the Week; for while I have been at Mrs. *Blount's*, Gentlemen have frequently lodged there one Week, and sometimes a Fortnight, come to Town, do their Business, pay my Mistress, and then go down into the Country again;—Families frequently come to *London*, to see the Town, visit their Friends and Acquaintance, and dispatch their several little Businesses, stay two, three Weeks, a Month, and sometimes more, and go away again. This has often happened whilst I lived there; but whether Dr. *Hensley* rented his Rooms by the Week, Month, Quarter, or by the Year, I never heard.

Q. Did you see Mr. *Carrington* take any Papers, Letters and Writings out of Dr. *Hensley's* Bureau on the twenty-first Day of *August* last?

Wilson. I did see him take a great many Papers, Letters and Writings out of the Prisoner's Bureau, and I wondered why he did so; but he said, he had Power to do so;—he had the King's Warrant for what he did; and the Constable was there to keep the Peace with his little Staff; and my Mistress seemed to be afraid of him;—and then understanding him to be the King's Messenger, she first imagined, that he had taken up the Doctor, and so it turned out.

Q. Did your Mistress let the Prisoner at the Bar, the Use of the Bureau at the same Time she let him the Parlour?

Wilson.

Wilson. Yes; and he always made use of it, and he kept the Key of it in his Pocket; and I have often seen him sit at the Bureau, and write many times.

Cross-Examined.

Co. for Pris. According to my Instructions, which I dare say are right, this Bureau was not the Doctor's, but your Mistress's.

Wilson. Yes, Sir, the Bureau was my Mistress's, but then the Doctor was by Agreement to have the Use of it, so long as he lodged in the House, and had the Parlour.

Q. Did not your Mistress put her Things, Linnen, &c. into the Bureau?

Wilson. No;—my Mistress had nothing in the Bureau;—she never kept any Thing belonging to her in the Bureau, I am sure, since the Doctor came to the House;—he used the upper Part for his Papers, Writings and Letters, and in the Drawers underneath he put his Linnen and other Apparel.

Q. But did not your Mistress go and open the Bureau and the Drawers at any Time?

Wilson. The Doctor would often leave the Key with my Mistress, and she would go to the Drawers, open them, and take out any Thing she wanted of the Doctor's, either to mend or make.

Q. But did not your Mistress also frequently open the upper Part of the Bureau?

Wilson. I never did see her open the upper Part of the Bureau, nor had she any Occasion, for the Doctor's Linnen and other Wearing Apparel were in the Drawers underneath.

Officer. Stand by.

Co. for Crown. Mr. Carrington when you had got these Letters, Papers and Writings, and had numbered

numbered them, as you say, what did you do with them?

Carrington. When I had sorted them, and put them into Order, according to my usual Method, I carried and delivered them to the Honourable Mr. *Stanhope*.

Q. Are these the Letters and Papers you delivered him?

Carrington. Yes, they are the very Letters and Papers I delivered to him at his Office in *White-hall*.

Cross-Examined.

Co. for Pris. With humble Submission, to the Court, I would ask the Messenger two or three Questions?

Court. As many as you please.

Q. Mr. *Carrington*, how did you know, that the Bureau out of which you took the Letters, Papers and Writings now in Court were the Property of the Prisoner at the Bar?

Carrington. The Landlady of the House told me, that she had let that Room ready furnished to Dr. *Hensley*, and when I asked her for the Key of the Bureau, she told me, the Doctor had it, for that she had let him the Use of the Bureau together with the Parlour. I was going one while to send to the Doctor for the Key, but it being so far, I laid that Thought aside;— I was going to force the Lock, and break it open, but at length thinking of my own Key all Purposes were immediately answered.

Q. Did you find any of these Papers, Letters or Writings you call treasonable about the Person of the Prisoner?

Carrington. After I had taken the Prisoner as he came out of the *Popish Chapel* in *Soho-Square*,

I put him into a Coach, and carried him directly to my House, where I searched him, but found on him no Letter, or other Writing, except his Pocket-Book, containing divers Memorandums and Recipe's wrote in *Latin*, and which Book I shewed to the Honourable Mr. *Stanhope*, and returned it the Prisoner the next Day.

The Honourable Mr. *Stanhope* sworn.

Co. for Crown. Pray, Sir, let the Court and Jury know, whether these are the very Letters and Papers you received from Mr. *Carrington*; and when you had done with them to whom you delivered them?

Hon. *Stanhope.* These Letters and Papers I received from Mr. *Carrington* soon after the Apprehension of Doctor *Hensley*, and when I had finished his Examination, for the Prisoner was examined at several Times, I carried them to the Solicitor of the Treasury, Mr. *Francis*.

Mr. *Francis* sworn.

Co. for Crown. Pray, inform the Court and the Gentlemen of the Jury, whether these are the very Letters and Papers you received from the Honourable Mr. *Stanhope*?

Francis. I received these very Letters and Papers from the Honourable Mr. *Stanhope* with my own Hands, with Directions to proceed against the Prisoner at the Bar. Hereupon I digested them into the present Order in which they are, and procured them to be translated out of the *French*, in which Language they were wrote, into *English*; and drew up my Proceedings therefrom; and they remained in my Custody, till I delivered them lately into the Hands of Mr. *Webb*.

Philip

Philip Carteret Webb, Esq; sworn.

Webb. I received all these Letters, Papers and Writings, relative to Doctor *Hensley*, from Mr. *Francis*, and I have brought them here, in Case the Court should think proper to have them read in this Cause.

(Then the Council for the Crown, to corroborate the Evidence already given called two other Persons as Witnesses to prove, that the Letters, Papers and Writings then in Court were in the Possession of the Prisoner at the Bar.)

Elizabeth Blount sworn.

Co. for Crown. Where do you live ?

Blount. In *Arundel-street* in the *Strand* ; I keep a House in that Street, and have done so for some Years past.

Q. What are you ?

Blount. A Widow ;— my Husband has been dead about eight or ten Years.

Q. Do you know the Prisoner at the Bar, Dr. *Hensley* ?

Blount. Yes ; I do know him very well.

Q. How long have you known him ?

Blount. Upwards of a Year and an half ;— nigh Two Years.

Q. Did you let him any Rooms to lodge in, and what were those Rooms ?

Blount. He came about two Years since to my House to take some Lodgings, and I let him a Room up two Pair of Stairs, and a Parlour even with the Street.

Q. Did you let them to him furnished, or unfurnished ?

Blount. He wanted ready furnished Lodgings, and therefore I let them to him ready furnished.

Q. What Furniture was in the Parlour when you let it him?

Blount. A Bureau, a Glass, Chairs, and some other Things.

Q. So the Prisoner at the Bar had the Use of these Things by Agreement;—he paid, I suppose, a Rent accordingly. Did he keep any Thing in the Bureau?

Blount. Yes; — in the upper Part of the Bureau, he used to put his Letters and other Papers, and in the Drawers his Linnen and other Apparel.

Q. Do you remember Mr. Carrington's coming to your House, and the Search he made for Mr. Hensey's Papers?

Blount. Yes, Sir; I remember it as well as if it had happened but this Morning;—for I never saw such a Thing before in my Life;—I thought him a very rude Man, he would look about and search, and do as he pleased, all I could say to him. But when he told me, he was the King's Messenger, and that he was sent, I think he said, by the Earl of *Holderness*, one of the King's Principal Secretaries of State, and all those with him said the same Thing, I was so afraid that I even let him do what he would, though it was in my own House.—I saw him open the Bureau with a Key he had in his Pocket, and he took many Papers and Letters, put them into a Bag, tied up the Mouth of the Bag very tight, and he and his Assistants took them away;—and indeed, and in Truth I was very glad they were gone.

Q. Look on these Letters and Papers, and tell us, whether you believe these are the Letters and Papers

Papers Mr. Carrington took out of the Bureau at that Time?

Blount. (looking attentively on the Letters) I believe they are the very same; they look like them; they appear to me to be the very same, according to the best of my Knowledge and Remembrance; but as to that I cannot be very positive, for I did not then look so particularly at these Papers as I do now.

Q. Well, we have enough of it.

Cross-Examined.

Co. for Pris. Did not you, Madam, frequently keep the Key of the Bureau in the Parlour? It was, if my Instructions be right, your Bureau, and in your Use, and you kept the Key?

Blount. The Doctor would frequently leave his Key of the Bureau with me, that I might give out his Linnen to his Washer-woman.

Q. Here they endeavour to prove, that the Bureau in Dispute was the Prisoner's. — Was it his, or your's?

Attorney-General. (interrupting) No, Brother, we do not say, the Bureau was the Prisoner's, we say, and so it turns out, that the Bureau is this honest Woman's; but that she let him the Use of it, during the Time he was her Lodger;—a Landlady may let a Person the Use of a Bureau, a Chest of Drawers, or an Escrutoire, for a Time certain, as well as let Part of her House for a Time certain; and during such Agreement and Conditions the Lodger is absolutely entitled to the Possession as much as if it was his own Property, and he had been the original Purchaser.

Blount. The Bureau was mine; I bought it, and had it before I knew Dr. Hensley four or five Years; but while he was my Lodger, I let him
the

the Use of it; and he was to have the Use of it so long as he lodged in my House, and paid me his Rent;—that was the Agreement between Dr. *Hensley* and me.

Officer. Stand by.

Elizabeth Smith sworn.

Co. for Crown. Pray, Mistress, what are you?

Smith. Sir, I am a Washer-woman;—I washed the Doctor's Linnen.

Q. Did there ever happen a Dispute between you and the Doctor about some of his Linnen that was missing?

Smith. Yes, Sir, he said, through a Mistake, that I had not brought Home one of his Shirts, when I had; and one Day I came to the Doctor about it, and I desired the Doctor to look in his Drawers, I supposing he might some how have overlooked it: On this Occasion he took his Key out of his Pocket, and he opened the lowest Drawer but one, and there he found the Shirt that was missing.

Q. Mind; He took a Key out of his own Pocket;—he did not ask Mrs. *Blount* for the Key, did he?

Blount. There were at this Time no Body present but the Doctor and myself; and he put his right Hand into his Pocket, drew out a Key, and opened the Drawer with it.

Officer. Stand by.

Co. for Crown. Thus, Gentlemen, we have made appear, and I hope fully to your Satisfaction, that the Letters, Papers and Writings to be produced to the Court and to you were taken in the Possession of the Prisoner at the Bar. But, Gentlemen, their being found in the Possession of the

the Prisoner at the Bar, would avail nothing nor be of any Signification, in Regard to the heavy Charge brought against him, unless it can be proved, that the Prisoner at the Bar did write all or any of the Writings, Papers and Letters now produced in Court. Wherefore, Gentlemen, we shall now proceed, in the second Place, to produce you several Witnesses to prove, that these Letters and Papers are many of them the Hand-writing of the Prisoner at the Bar.

Call *Mendez da Costa*. Sworn.

Co. for Crown. Do you know the Prisoner at the Bar, *Florence Hensley*, Doctor of Physick?

Da Costa. Yes, I have known the Doctor now about Ten Years, and have been conversant with him during that Time.

Q. Have you ever seen Dr. *Hensley* write?

Da Costa. Many times ; and I have now in my Possession several Letters of his own Hand-writing, which from Time to Time, during our Acquaintance he has sent to me.

Q. Pray, look on these Papers, Writings and Letters, and tell the Court and Gentlemen of the Jury, whether you believe they are the Hand-writing of the Prisoner at the Bar?

Da Costa. (*looking over them attentively*) I know the Prisoner's Hand-writing very well ; and I am sure these are his Hand-writing ; and they are like the Hand-writing of those Letters which he sent me ; — they are wrote in the same Form and Manner ; and likewise they are folded up in the same Way, and the Inscriptions are wrote likewise in the same Form and Mode mine are ; — I should know his Letters and Writings from all others ; for I have been well acquainted with his
Hand-

Hand-writing for Ten Years past ; and have often seen him write.

Q. Have you, Sir, about you any one of those Letters the Prisoner sent you ?—If you have, you might compare it with these.

Da Costa. (Pulls out of his Pocket one of his own Letters, which the Prisoner had sent him, and compares them together) They are exactly alike ; the Likeness is so great, that I can take upon me to say, that they were both wrote by one and the same Person. I know Doctor *Hensley's* Hand-writing so well that I can no Way be deceived ; all these Letters I now look on, and which I hold in my Hands, are his Hand-writing.

Cross-Examined.

Co. for Pris. Sir, you seem to be very positive ;—do you consider, that you ought to be very careful what you swear ; for the Life of the Prisoner is at Stake ; I should think it very hard to swear to a Man's Hand-writing ;—it is a difficult Thing, make the best of it.

Da Costa. I am so well acquainted with the Doctor's Hand-writing that I can make no Mistake ;—I would not say, that these Papers and Writings were Doctor *Hensley's* Hand-writing, if they were not. I have a great Regard to what I say ; and I would not utter a Falsity upon this Occasion upon any Consideration whatever.

Thomas Brown sworn.

Co. for Crown. Pray, Sir, what may your Profession be ?

Brown. I am, Sir, an Apothecary.

Q. Do you know Dr. *Hensley* the Prisoner at the Bar ?

Brown.

Brown. Yes, Sir.

Q. How long may you have known him?

Brown. About five Years.

Q. How came you acquainted with him?

Brown. I have attended several of his Patients as their Apothecary.

Q. Did you ever see him write?

Brown. I cannot say, that I have seen him write but once, and that was one Evening a Prescription for a Lady who was taken suddenly ill; but I am well acquainted with his Hand-writing, and have received several of his Prescriptions, and have many of them now by me.

Q. Look on these Letters, Papers and Writings, and tell the Court and Jury, whether you believe them to be the Hand-writing of Doctor *Hensley*, the Prisoner at the Bar?

Brown. (*Takes the Papers and Letters into his Hands, and then looks stedfastly at them*) They are wrote by Doctor *Hensley*;—they are his Hand-writing, I am sure of it; — the more I look at them, the more I am convinced the Prisoner wrote them.

Cross-Examined.

Co. for Pris. How came you, Sir, to be so very particular as to keep Doctor *Hensley*'s Prescriptions?

Brown. It is customary for us so to do, and when we have from thence made up our Medicines for our Patients, according to these little Rules or Directions sent us by the Physician, we always carefully file them, for our own Use and Justification.

Q. Indeed, I do not like the Use you are now going to put them to.

Attorney-General. No ; I believe not ; nor your Client at the Bar does not like the present Use of them.

Q. Ay, Mr. Attorney, you have it all your own Way ; — you like to have it all of your own Side, and to carry every Cause !

(Which made the whole Court laugh.)

Officer. Stand by.

Mrs. Blount Re-Examined.

Co. for Crown. Did you ever see Doctor *Hensley* write ?

Blount. I have seen him write several times at a Distance ; I have likewise now by me several little Notes of his Hand-writing.

Q. Look on any one of these Writings, Letters and Papers, which have been fully proved to have been in the Possession of Doctor *Hensley*, and tell us, whether you can say, on your Oath, that you believe he wrote them ?

Blount. I have looked at them very carefully, and I think they look like his Hand-writing ; but I am not so well acquainted with Writing as to be able to swear, that these Letters, Writings and Papers, all, or any of them are positively the Hand-writing, or that they were wrote by Doctor *Hensley*, and him only. — I did not see him write any of them.

Q. The Question is not, whether you see him write all, or any one of the Letters, Papers and Writings shewn you, but whether you can from the Acquaintance you have with the Doctor's Hand-writing, say, that you do believe them to be wrote by him ?

Blount. I cannot say so positively as that amounts to ; though I can say, that I think they appear to me to be the Hand-writing of
Doctor

Doctor *Hensley* as far as I can judge of this Matter.

Cross-Re-Examined.

Co. for Pris. Madam ; you seem to be a very honest Woman ;—you say you have seen the Prisoner write at a Distance : Pray, at what Distance ?

Blount. Sometimes he would sit writing at the Bureau, while I was sitting by the Fire ; which is about half as far as I am to you ; and at other Times he would sit by the Fire, he on one Side of the Table, and I on the other, at a little Distance, and he would write a Letter or Letters, and when the Postman rang his Bell in the Street, he would frequently himself give him the Letter, and sometimes I have given such Letter to the Postman to carry to the General Post-Office.

Q. Why, then the Prisoner never made any Secret of his Writing ! — He wrote at all times, before you,—before your Maid,—and before any Body else ! Did you ever suspect him to be guilty of what is now laid to his Charge ?

Blount. I never had any Suspicion about the Matter in Question ;—I was the most surpris'd at what has happened ; for I never heard him say any Thing about the *French* King, Ships, Number of Men, Armaments, Ammunition, Fleets, Squadrons, and such like Stuff. I only know, that he was a Doctor of Physick by Profession ; and that as to Matters of Faith I knew he was a Roman Catholick ; but that I no otherwise knew than by his constant Custom of going to Prayers to the Popish Chapel in *Soho-Square*, every Morning, *bail, rain or shine*, as the Saying is, but he never told me he was a Roman Catholick. This I know, he is a very civil, honest,

good-natured Man ; willing in the Way of his Profession to do any one a Kindness, and ready at all Times to assist the Poor. He is likewise a sober Man, always kept good Hours, and not given to any one Vice I could perceive.

Q. And perhaps you think, it is Pity a Man of this Character should be hanged !

Blount. Indeed, I do ; — and I hope he will not.

Which made the Court laugh. !

Sarah Wilson Re-Examined.

Co. for Crown. Did you ever see *Dr. Hensley* write ?

Wilson. Yes, Sir, several times at a Distance, and I have seen of his Writing also many times.

Q. What Writings have you seen ?

Wilson. Only Washerwomen's Bills, and the Supercriptions of Letters ; but then I never took any particular Notice of them, because I never thought then I should ever be questioned about them.

Q. No, I believe not ; but look on these Papers, Writings and Letters, — and see if you can perceive whether the Hand-writing of them be like the Hand-writing of the Washerwomen's Bills you mention, and which you have seen.

Wilson. I cannot say, that I used to mind the Bills much he gave me to give his Washerwoman ; for I used to give her the Bundle and the Bill in it, and I very seldom read the Bill till she brought home the Doctor's Linnen, when I or my Mistress, my Mistress most commonly, used to examine the Things by the Bill. But now I look on these Writings, Papers and Letters, I think they are wrote by the same Person who wrote the Bills I have mentioned ; but I cannot take on
me

me to be so sure, as to swear that these are the Hand-writing of Dr. Hensley.

Elizabeth Smith Re-Examined.

Co. for Crown. Sarah Wilson the last Evidence, says, that she delivered to you always with the Doctor's Linnen, a Bill written by the Doctor.—Did you ever see the Doctor write?

Smith. No, I never did; but I have seen many Bills which I was told was of his Hand-writing.

Q. How many of these Bills might you see?

Smith. One with every Parcel or Bundle of Linnen I washed for the Doctor; I washed his Linnen once a Month, that was generally the Custom; and I believe I might receive ten or twelve of these Bills;—but then every one of these Bills returned to Mrs. Blount; when she or sometimes her Maid used to examine the Linnen I brought home by the Bill, and pay me.

Q. How do you know then that the Bills were wrote by the Doctor?

Smith. There happened once a Dispute about a Shirt that was missing, and in that Dispute the Doctor produced the Bill of that Washing, and then he said, that he sat it down with his own Hand.

Q. You are well enough acquainted with the Doctor's Hand-writing to tell whether these Papers, Writings and Letters, look like his Hand-writing, or not: Look on them, and tell us what you think of them.

Smith. As far as I can judge, I think they are like the Doctor's Hand-writing; but I will not swear to it.

Co. for Pris. Ay, you are an honest Woman, nor would I swear to a Thing I dont know;—
but

but my Brother, here, would have you swear what you never saw, nor I am afraid now you never will, that is, that you saw my unhappy Client write.

Co. for Crown. Thus have I laid before you our Evidence to prove, that the Writings, Letters and Papers, we have produced are the Hand-writing of the Prisoner at the Bar, which I hope we have done to your entire Satisfaction; we come now in the last Place to prove, that several of these Letters, Papers and Writings, were sent by the Prisoner at the Bar to the Agents, Officers and Subjects of the *French* King, to give them Intelligence of what passed here, in Order to distress that Monarch and his Subjects. We shall call you two Witnesses to prove this Accusation against the Prisoner; and then lastly, We shall, under Favour of the Court, read the Letters as Part of the Evidence to be given in this Cause.

Call *James Newman*; who was accordingly sworn.

Co. for Crown. Do you belong to the General Post-Office?

Newman. Yes; I ring the Bell in *Arundel-street* in the *Strand* for Post-Letters, and in that Walk; and when I have collected them together I carry them to the Post-Office.

Q. How long have you collected Letters in that Walk?

Newman. Three or four Years.

Q. Do you know the Prisoner at the Bar, Dr. *Hensley*?

Newman. Yes; I know him very well; I have known him above Eighteen Months.

Q. Tell

Q. Tell the Court and Jury what you know relative to him.

Newman. I have often received from the Prisoner at the Bar, Letters of a Post-Night to carry to the Office in *Lombard-street*, and have carried and delivered them to the Office, as I used to do other Letters; but at length I began to suspect them.

Q. How came you to suspect the Prisoner at the Bar of carrying on a treasonable Correspondence?

Newman. When I have got all my Letters together, I carry them home and sort them;— in sorting of them I observed that the Letters I received of Doctor *Hensley* were generally directed Abroad and to Foreigners; and I knowing the Doctor to be a Roman Catholick, and as I imagined in the Interest of the Pretender, I advised the Examining Clerk at the Office to inspect his Letters, telling him, that I had some Suspicion, that the Writer of those Letters was a Spy.

Q. Did you open any one of these Letters yourself?

Newman. No; but I happened to challenge the Letter about the *Secret Expedition*; and when it was opened at the Post-Office and found to be what it is, after that I received Directions to bring every Letter I received from the Doctor's own Hand, or from that House, directly to the Office that it might be opened; and so I continued to do till the Doctor was taken up.

Q. If you were to see these intercepted Letters should you know them again?

Newman. Yes; I should know them again by the Outside, because they have got my Mark upon them.

Q. Look

Q. Look on these Letters, and tell us whether these are the very Letters you received of Doctor *Hensley* to carry to the Post-Office.

Newman. I received these very Letters from the Doctor's own Hands, or from the Maid or Mistress of the House in which Dr. *Hensley* lodged; sometimes one, and sometimes another, to carry them to the Post-Office; and I did carry them to the Post-Office, where they were stopped or intercepted.

Q. To whom did you give these Letters at the Post-Office?

Newman. To Mr. *Matthews* one of the Examining Clerks.

Q. Do you know any Thing more concerning this Matter?

Newman. I never heard any Thing more after Doctor *Hensley* was taken on *Sunday* the twenty-first Day of *August* last till now.

Cross-Examined.

Co. for Pris. How came you to know, that Dr. *Hensley* was a Roman Catholick? What had you to do with his Religion?

Newman. We Letter-carriers, or Postmen, have great Opportunities to know the Characters and Dispositions of Gentlemen in the several Neighbourhoods of this Part of the Town, from their Servants, Connexions and Correspondents; but to be plain, if I once learn that a Person who lives a genteel Life, is a Roman Catholick, I immediately look on him as one who by Education and Principle is an inveterate Enemy to my King, my Country, and the Protestant Religion. This led me to keep a watchful Eye over Dr. *Hensley*, and to suspect him of carrying on a Correspondence with the King's Enemies.

Q. You

Q. You say, that you never opened one of the Prisoner's Letters, why did you not?

Newman. The first Letter which I challenged, or suspected, in my own Mind, as I was one Night sorting my Letters, I held up to the Candle, by which Means I perceived that the Body of the Letter was wrote in *French*, and that it begun with the Word *Monsieur*. It being wrote in *French* encreased my Suspicion, and determined me to challenge the Letter.

Thomas Matthews sworn.

Co. for Crown. Sir, do you know any Thing of certain Letters said to be wrote by the Prisoner at the Bar, and intercepted at your Office?

Matthews. When War is declared against any Nation, immediate Orders are given out by the Post Master General to stop all suspected Letters, in Order to prevent Intelligence being given the Enemy of our Transactions at Home. These Orders are given to all the Clerks of the said Office, and to every Servant carrying Letters. According to which Orders, the Postman of the Walk in which the Prisoner at the Bar lives, having learnt, as I find, that Doctor *Hensley* was a Roman Catholick, and that all the Letters he received from him, or from the House in which he lodged, were directed to People abroad, he came to me, and told me his Suspicions, and did challenge one particular Letter; which on being opened, I found was under Cover directed to a second Person, and so to a third. This strengthened my Suspicion; and the Contents of this Letter being read, Orders were immediately given, not only to intercept the Letters which came from Doctor *Hensley*, but also carefully to intercept all the Letters that should come to the Post-Office directed to

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the said Doctor *Hensley*. These Directions were given with all the Secrecy imaginable, and executed with Success.

Q. Sir, look on these Letters, and let the Court know, whether these are the very Letters sent by Doctor *Hensley* the Prisoner at the Bar, to his Correspondents abroad, and which were intercepted at your Office?

Matthews. (*Examining the Letters one by one*) They lie now in the Order they were intercepted; I received every one of these Letters from the Postman of the Walk; their Contents were examined; and I was ordered to carry them to the Secretary of State's Office at *Whitehall*, where I delivered them to the Honourable Mr. *Stanhope*.

Co. for Crown. My Lord, we will rest the Evidence for the Crown here; and beg the Favour of the Court, that under their Directions, the several Papers, Letters and Writings produced and proved to be the Hand-writing of the Prisoner at the Bar, may be read as Evidence in this Cause.

Co. for Pris. (interposing) My Lord, I hope the Court will favour me with a Word or two in Behalf of the Prisoner at the Bar: And, my Lord, I must observe, that these Letters cannot, I speak under the Favour of the Court be read; because nothing is offered by the Evidence to shew, that these Letters are an Overt-Act of the Prisoner, and where there is no Overt-Act the Offender cannot be guilty of High Treason; the Prisoner at the Bar, at least, it has not been proved, any one of the Prisoner's Letters came to the Hands of the Agents, Officers or Subjects of the *French King*; if they had come to their Hands, if they had received these Letters, then in such
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Case they would have constituted an Overt-Act, and consequently the Prisoner at the Bar would be guilty ; but as the Case is, as it really is, it amounts to no more than this ; a mere Suspicion of Treason ; and it would be a very great Hardship a Person should be put to Death for mere Suspicion of Treason ; nay, these very Letters for ought that appears to the contrary might have been put into the Doctor's Bureau, contrary to his Knowledge and Consent. And this was the Case of Lord *Sydney*, the Letters he was said to send to the Enemy, were proved to be sent by another Hand, and being intercepted, the Letters never reached the Enemy, and therefore the Bill for taking off his Attainder expressly says, that the Jury was imposed on, and because the Letters did not reach the Enemy, he was not guilty. But if the Court should be of Opinion some of these Letters should be read ; yet I cannot see with what Propriety the two first Letters marked Number One and Number Two should be read, since they were wrote some Time before the Declaration of War against *France*.

COURT. That which constitutes an Overt-Act in the Eye of the Law, is the Accomplishment of the End proposed by the Party acting to the best and utmost of his Power. If a Man endeavours to do an Act of Treason, and that Act of Treason fails through some intervening Accident or Occurrence, the Party so endeavouring and acting to the best of his Ability and Power is deemed to be guilty of an Overt-Act, as though he had done the Thing he had proposed and intended. Thus, in Cases of Murther as well as Treason, suppose a Man firing off a Gun, or a Pisto', with a premeditated Design to kill another, and by

some Accident or Event, either the Gun or Pistol do not go off, or the Party shot at evades the Blow, the Party shooting is guilty of an Overt-Act, and is liable to be indicted as guilty of a Capital Offence. It is the same here, the Prisoner at the Bar, as far as appears upon the Evidence, and nothing has yet been offered to invalidate or lessen the Evidence that has been given, or to impeach its Veracity or even Probability, did intend to send the Letters intercepted to the *French* King's Agents *La Roche* and *P. de France*, as far as lay in his Power; his Intention,—the Intention appears plainly in his sending them to the Post-Office; the Prisoner could not carry the Letters himself to *Paris*; no, he was to send Advices, Instructions and Intelligence, that was the Agreement. Now the Point is, whether the Prisoner at the Bar did send them? Why, it has been proved, that the Prisoner did send them, and that they went from *Arandel-street*, in the *Strand*, as far as to the Post-Office in *Lombard-street*; where they were intercepted. Where were they going then? Why, it is plain, the Prisoner intended them to go Abroad, as directed, to the Agents of the *French* King. Now, who are the Agents of the *French* King? Those who are and have been declared the Enemies of His Majesty, and of his Subjects ever since the Seventeenth of *May*, in the Year 1756. Herein the Overt-Act of the Prisoner at the Bar consists, and in Cases of Treason, the Statute makes every Attempt to inform the Enemies of His Majesty of the State of Affairs, whilst in open War, an Overt-Act, because such Attempts to disturb the Publick Peace, and lay the Nation open to the Insults and Invasions of its Enemies, is construed to be a Compassing of the Life of our Sovereign Lord the King, and an absolute En-

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deavour to dethrone him. As to my own Part, the Letters under Consideration appear to me, to be absolute Overt-Acts, as real Overt-Acts as can possibly be : But whether the Jury shall think so, is to be left to their Consideration, who are indeed the best and proper Judges. Every one of the Letters, especially those given to the Postman, to be sent Abroad, are absolute Overt-Acts, and in this Cause ought to be read. Now as to the two first Letters, concerning which so much has been said, why they should not be read, the Objection is trifling, for whether they be read or no, this Cause cannot be much affected, because they are not proposed as Evidence, but only as Letters to be read by Way of Preface and Introduction to this iniquitous Affair. They are Letters, the Subject of which, do not affect the Prisoner's Life, if they did, that were another Thing ; but as they do not, I shall leave it to my Brethren ;—I think they should be read.

Of this Opinion were the rest of the Judges.

Court. Let all the Letters be read.

They were accordingly read to the Number of Twenty-nine Letters.

[The Substance of which Letters follows :]

In one of these Letters, Dr. *Hensley*, the unhappy Prisoner, having before the breaking out of the War with *France* heard, that a Fellow-Student of his, whilst he studied Physick at *Leyden* in *Holland*, was lately got into the Secretary of State's Office for foreign Affairs at *Paris*, wrote to him, and informed him, “ That he should be glad of an
“ Opportunity of doing him any Service that lay
“ in his Power, and executing any Commission he
“ might have in *London*.”

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To this Letter Dr. *Hensley*'s Fellow-Student returned for Answer : " That he was infinitely obliged to him for the Service he offered, and that if he understood him rightly, their Correspondence might be rendered more advantageous to both, by changing their Topics from literary to political."

In a second Letter which Dr. *Hensley* sent to his Fellow-Student in Answer to the above, he says : " That he was glad to find so discerning a Man in his Fellow-Student, and if he could obtain for him a Recompence suitable to the Trouble, he would endeavour to make his Intelligence of the utmost Importance."

Soon after his Fellow-Student had received this second Letter from Doctor *Hensley*, he sent him a long Letter, wherein the Doctor was informed he was to receive for his Trouble and Correspondence 500 *Livres*, or 25 *l. Sterl.* a Quarter. And in the same Letter, Dr. *Hensley* was instructed to send Lists of all the *English* Men of War, in and out of Commission ; their Condition, Situation, and Number of Men on board each ; when they sailed, under what Commanders, from what Ports, and their Destinations, Accounts of the actual Number of our Troops, what Regiments were compleat, and which ; where recruiting, where they were quartered or garrisoned ; the earliest Accounts of any Enterprises against *France* ; Plans of fortified Places in *England*, *America*, &c. This Letter also contained Directions to the Doctor to whom he was to send his Letters with an outside Cover, some to *Cologne*, some to the *Hague*, and some to *Bern* in *Switzerland* ; and that those Persons to whom his Letters should be sent, as soon as received by them, would forward them from thence to *Paris*.

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The Substance of another Letter read in Court, complying with the Instructions of the above Letter, was: " That the *English* had fitted out a " large Fleet at *Spithead*, and given the Command to General *Mordaunt* and Admiral *Hawke*, and that this Squadron was intended " to attack *Rochefort*, and to make a Descent on " that Part of the *French* Coast.

In another Letter, Dr. *Hensley*, after having given his Correspondent an Account of the Condition of the *English* Fleet and Army, how many Ships guarded, and what Troops lined the Coasts of *England*, informs him, " That the People in " *England* were generally dissatisfied with the Publick Proceedings, that the Publick Credit was almost totally destroyed, and the Finances quite exhausted. Advises, That an Invasion be directly made on the *English* Coast with a considerable Body of Troops; and that now, in his Opinion was the Time to strike the final Blow."

In a subsequent Letter, Dr. *Hensley* says, " That the only Means of preventing the Success of the Expedition (he means, that to *Rochefort*) would be to make a powerful Diversion upon the Coasts of *England*, with a considerable Number of Troops; that by thus attacking us in our very Vitals, we might be engaged at home, and so prevented being able to send a Number of Troops abroad sufficient to give them (the *French*) any real Annoyance."

In a Letter, Dr. *Hensley* received from his Correspondent, after he had given him this Advice, the Doctor's Salary, which was till now no more than 25 *l.* a Quarter, was augmented to 25 *l.* a Month. This was done in Compliance with a Letter sent by the Doctor to his Correspondent desiring an Increase

Increase of his Salary, for that he was obliged to dine every Day with a Set of Gentlemen, at a noted Coffee-house, where they always drank Claret.

In one of the Letters found among the Papers taken out of the Doctor's Bureau, which he had received from Abroad were Complaints : " That
 " of late he had sent trifling and insignificant Intelligence ; that they were better served by one
 " who had lived at *Colchester* ; that there was no
 " Need of acquainting them with what the Duke
 " was doing in *Germany*. This Letter concludes with Instructions to Dr. *Hensley* to write his Letters in Lemon-Juice, and to direct for his Brother, who was Chaplain and Under-Secretary to the *Spanish* Minister at the *Hague*.

Accordingly, the Doctor followed the Advice of his Correspondent, and the next Letter he wrote, was wrote in the following Manner. It was a complimentary Letter wrote in black Ink, and the Lines were wide-wrote. Between the wide-wrote Lines, Dr. *Hensley*, the Prisoner at the Bar, wrote a Letter in Lemon-Juice, wherein he very early gave Intelligence of Admiral *Holbourne's* Destination to *America*, with a minute Account of the Number of Ships and Troops on board, with the Day of their Departure.

From the Reading of another Letter it appears, that Doctor *Hensley* gave the *French* the first Account of Admiral *Boscawen's* Sailing to *North America*, and of the Taking of the *Alcide* and *Lys* Men of War, with every Circumstance relating thereto.

In many other Letters read in Court, Dr. *Hensley* gives the *French* an Account of the Sailing of every Fleet, and its Destination ; of the Launching of every Man of War ; of the Difficulties relating
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to raising Money; — in short, nothing escaped him, which he thought worthy the Notice, or which he thought might be of Service to his Correspondents the *French*.

Co. for Crown. My Lord, and Gentlemen of the Jury, we have now read all the Letters relative to the Offence committed by the Prisoner at the Bar; and here we shall rest our Evidence.

Prisoner's D E F E N C E.

Council for the Prisoner. My Lord, and You Gentlemen of the Jury, I am of Council for the Prisoner at the Bar, *Florence Hensley*, Doctor of Physick, who you have heard stands indicted for a very heavy Crime; a Crime of a very heinous Nature; and a Crime if it had been proved clearly would have affected his Life; — I shall therefore endeavour to shew the Weakness of the Evidence given on the Side of the Crown; and shew that the Prisoner is not Guilty; at least, if guilty, yet not guilty of High Treason. And with Submission to the Court, as I have been appointed one of the Council for the Prisoner, I hope no Word or Expression which I shall fling out, during my Pleading in his Behalf, will be construed in any Sort to affect the Allegiance which I always had, have now, and ever shall have for His Majesty. And first, Gentlemen, give me Leave to remark on the Evidence which has been given to support the Charge brought against the Prisoner at the Bar. We see this Cause is made a Matter of the greatest Importance; — all the other Courts of Justice are not sitting; and the whole Attention of the Law seems attracted hither to attend the Event thereof. They have called you first a Mes-

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senger and divers others to prove, that some Letters and Writings were found in a certain Bureau; and that because they were there, and they were there in a Room the Prisoner rented, they must therefore be the Prisoner's Writing;—they might be put into the Bureau by another Hand; for their own Witnesses allow, that Mrs. *Blount* often had the Key of the Bureau, went to it at Pleasure, opened it, put Things into it, or took them out, when she liked, or as she thought proper; and because the Prisoner had sometimes the Use of this Bureau, and accordingly did now and then, though very seldom, use it, therefore all the Papers, Writings and Letters must be his, and his only; must belong to him, and to him only, and must be his Writing, and his Writing only. It is not reasonable to suppose, no one can suppose it, who gives himself Time to think at all, that the Prisoner should be so weak, thoughtless, and inconsiderate as to put, it might rather be said, expose treasonable Papers, Writings and Letters in a Bureau, other Persons and People had free and ready Access to, and to which they could come at any Time, in the Day-time, in the Night-time, and at all Times. One of their own Witnesses says, that she often had the Key of this Bureau, and that she used frequently to take out Dr. *Hensley's* Linnen, deliver it to the Washerwoman, and when washed, receive it back again, and then replace it in this Bureau which it seems stood in a Parlour the Prisoner at the Bar rented by the Week, or by the Month, of one Mrs. *Blount* who keeps a House, and lets out ready furnished Lodgings, in *Arundel-street* in the *Strand*. As for my own Part, I do not think, that it has been clearly and satisfactorily proved, at least it does not appear so to me, that the Bureau

reau in Question was ever, and it is certain it never was wholly, in the Use and Possession of the Prisoner at the Bar; but these Things must be left to you, Gentlemen, on whose Determination the Life of the Prisoner depends. Again, Gentlemen, to prove, that the Letters, Writings and Papers found in the said Bureau, and some other Letters said to be intercepted at the Post-Office, are the Hand-writing of Dr. *Hensley*, the Prisoner at the Bar, they have produced two Witnesses, that they are the Hand-writing of the Prisoner; but how do they prove it! Why, one of these Witnesses says himself, that he never did see the Prisoner write but once, and that was in the Dark, at Night, in the Evening, at Owl-light; and the other's Evidence or Testimony turns chiefly and principally upon the Similitude of Hands, or of Hand-writings; and let me tell You, that the Doctrine of the Similitude of Hands, and the Similitude of Writings is a Species of Evidence in itself extremely uncertain, vague and trifling; — and as to the Seeing of another write; what is there in that! All of you have seen me write to-day; — and write a good deal; — but what avails that? Can any one of you from thence say, much less swear, (Swearing is a sacred Thing) that you know my Hand-writing? — That a Person should know the Hand-writing of another, so as to swear to the Identity and Sameness of it, it is certainly necessary, that the Person who takes upon himself to swear to the Similitude of Hands, should be well acquainted with that Person's Method and Form of Writing; with the very Turn and Make of the Letters; and, in short, as every Man almost has different Genius, even with his Stile and Manner of Expression; but how this is possible to be done by any one of the Evidence,

who now-and-then, accidentally or occasionally see the Prisoner write, I cannot conceive. In this Case there is but one positive Evidence to the Prisoner's Hand-writing, and that is *Mendez da Costa*, who is very positive to the Hand-writing of the Prisoner at the Bar; and indeed he is so very positive, that it almost destroys or brings into Suspicion the Credibility of his Evidence. What has induced him to come into this Court, and here openly and positively swear, from the Similitude of Writings, that the Writings, Letters and Papers now before the Court are the very Hand-writing of Doctor *Florence Hensley*, the Prisoner at the Bar, were wrote by him, and by him only. I say, what has induced the Evidence to do this, must be left to himself, and his own Conscience, but Charity forbids me to suggest, that his Motives for thus using his old Acquaintance, and, I suppose, some Time intimate and Bosom-Friend, are any other than the Affection and Duty he owes to His Majesty, and the Preservation of his long and precious Life; and the Love which he bears to this Country, and the Inhabitants thereof; but these Motives, or any other which may or shall arise to you on considering this Man's Evidence are worthy of your serious Consideration;—if you believe him, it must go hard with the Prisoner; but if you should not believe him, I shall have Hopes of seeing the Prisoner once more set at large. And now, as to the Letters intercepted at the Post-Office; under the Favour of the Court, I beg Leave to recommend the Consideration of their not going to the Place directed as the Writer and the Sender intended and designed;—they not going, as was intended and designed, the Letters cannot be an Overt-Act;—if they had gone to the Places directed and designed they would indeed

deed have been an Overt-Act; but that is a Case to be left with you, and for your Consideration, to determine finally whether they are an Overt-Act, or not an Overt-Act. But suppose, that you should be led to believe, that they were sent, and that the Manner of sending them is an Overt-Act, then there will remain for your farther Consideration in Behalf of the Prisoner at the Bar, the Subject-Matter of the Letters: And what is the Subject-Matter of the Letters? Why, only a Parcel of Paragraphs chiefly taken from the Publick Daily and Weekly Papers, old stale News, which every Body knew, written in a Letter to the Prisoner's Brother; and this is all he did; and this is now endeavoured to be construed High Treason: But, Gentlemen, as you will have the Letters laid before you, I dare say, you will be able to form a right Judgment from thence; and I need not tell you, that the Jury may be merciful as well as just, according as Things shall appear to them.

Second Council for the Prisoner. I hope the Court will favour me with a Word or two in Behalf of the Prisoner at the Bar; and, Gentlemen, the Managers on the Side of the Prosecution have laid the Indictment in the Parish of *St. Clement Danes* in the County of *Middlesex*, when the Offence was committed in *London*; every Body knows, that the Post-Office is in *London*, in *Lombard-street*, in the very Heart of the City, and that the Letters were intercepted in *London* at the Post-Office.—Wherefore, Gentlemen, as this is an Error in the Proceedings;—a fundamental Error in the Proceedings, this Cause between the Crown and the Prisoner at the Bar ought to cease now, and the Prisoner be acquitted. One Word more, Gentlemen,

men, and I shall not farther trouble you, in Relation to the Subject-Matter of the Letters, Papers and Writings read in Court, I very carefully attended to the Reading of every one of them, and I could not perceive that there was so much as one treasonable Expression contained in the twenty-nine Letters. Is the Launching of a Ship, High-Treason? Is the Embarking of the Duke of *Cumberland* at *Stade*, after he had crossed the *Weser*, Treason?—Mr. *Pitt* and Mr. *Legge* are reinstated in the Ministry;—the common People of *England* grumble at the great Weight and Number of Taxes;—at the Scarcity and Dearthness of Corn;—and, above all, at the Loss of *Minorca*, and that the Commanders of their Fleets and Squadrons do not do their Duty, and fight and destroy the *French*. Who can call these Treasons? Who can say, that a bare and naked Recitation of these Matters of Fact, is High-Treason? And this is all that has been done, as you will see, Gentlemen, when you come to read and consider the Subject of these Letters and Papers apart by yourselves; for you only are the proper Judges whether the Subject of the Letters is treasonable or not.

Sol. Gen. for Crown. I hope, my Lord, you will favour me a little while, that I may reply to two or three Objections, which have been flung out by the Council in the Prisoner's Defence. It has been said, by my Brother here, that the Evidence we have brought before the Court and the Jury is not a credible Evidence, nor an Evidence to be relied on; my Lord, I have been many Years in this Court, and I do not remember ever to have heard a Charge of High Treason better, more strongly, or more consistently made out; and what is more remarkable and observable every
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one of the Witnesses brought on the Side of the Crown, are Persons of Character, Reputation and Credibility ; and they all together tell a very probable, consistent and credible Story ; as first, they have proved undeniably that the Letters, Papers and Writings now read in Court were in the Possession of the Prisoner at the Bar ; secondly, that most or many of them are the Hand-writing of the Prisoner at the Bar ; that he the Prisoner at the Bar did send divers Letters to the Agents, Officers and Subjects of *Louis* the *French* King, in Order to inform the Enemies of His Majesty King *GEORGE*, of what warlike Preparations were making in *England* to distress the Subjects of the said *French* King ; and that he did also advise the Subjects also of the said *French* King to make a Descent on the *English* Coasts. As to the Objection concerning the Treason being laid in the Indictment as done in the County of *Middlesex*, instead of being laid in *London*, I shall leave that Objection to the Determination of the Court. But nothing can be so barefaced, as the Objection made about the Subject-Matter of these Papers, whereby they would endeavour to insinuate, that the Intelligences contained therein are no more than common Pieces of News, known to every Body ; and which might be told by any one, and communicated to any Body, whether Friend or Foe. Gentlemen, thus do they endeavour to impose on you ; and it is to no Purpose for me to take up your Time, and the Time of the Court, and so encrease the Length of this Trial, which has been unavoidably and perhaps somewhat unnecessarily extended ; — You are the proper Judges how far we, on the Side of the Crown, have proved the Charge brought against the Prisoner at the Bar, and how far not ; and therefore

fore I shall say no more, but rest the Event of this Cause upon what has already been said.

The CHARGE.

Gentlemen of the Jury: This is a Trial at Bar on an Indictment in the Crown against the Prisoner at the Bar, by the Name of *Florence Hensley*, Doctor of Physick, late of the Parish of *St. Clement Danes*, in the County of *Middlesex*, for that he, being a false Traitor, and not weighing the Duty of his Allegiance to our Sovereign Lord *GEORGE* the Second, King of *Great Britain, France, and Ireland, &c.* in the Months of *May* and *June*, 1757, and at divers other Times, as well before as after, in the Parish aforesaid, and in the County aforesaid, with Force and Arms, feloniously, traiterously, and of his Malice aforethought, did write certain Letters to the Agents and Subjects of *Louis*, the *French* King, with whom we are now at open War, giving an Account of the Strength of our Fleets and Armies that were then preparing in *Great Britain*; and inviting the said *Louis*, the *French* King, his Subjects and Vassals, to invade these Realms, and to make a most bloody Slaughter on His Majesty's Subjects. To this Indictment the Prisoner at the Bar has pleaded *Not Guilty*. Therefore to support the Indictment the Solicitor of the Treasury being Prosecutor for the Crown, hath brought this Cause into Court, and has produced the following Evidence; in the Recapitulation of which if I should make any Mistake, I desire You to set me right. The first Thing the Council for the Crown undertook to prove, is, That certain Writings, Letters and Papers, were found in the Possession of the Prisoner at the Bar, containing a treasonable

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Correspondence carried on between the Prisoner at the Bar and the Subjects of the *French King*. On this Occasion, they have called you *Nathan Carrington*, who it seems is the Messenger that went, with proper Authority, as he says, to the House of one Mrs. *Blount* in *Arundel-street* in the *Strand*, on *Sunday* the twenty-first Day of *August* last, and did there search the Lodgings of the Prisoner at the Bar, and took out of a Bureau the Writings and Papers produced and read to you, and which he has sworn to be the very same Letters and Papers he took out of a Bureau in a Room, called a Parlour, Part of the Lodgings of Dr. *Hensley*, the Prisoner at the Bar. This Testimony is corroborated by the Oaths of several others present, who saw Mr. *Carrington* take these Letters and Papers out of the Bureau ;—Mr. *Turner*, who I think also is a Messenger, and who went with Mr. *Carrington* as an Assistant to him, swears downright, that the Papers and Letters produced and read in Court were the very same Mr. *Carrington* took out of the Prisoner's Bureau ; *Turner* says, that he is sure they are the very same, because he afterwards read several of them in the *French* Language, in which they are wrote. Mr. *Carrington* likewise is very express and certain, as to the Sameness of these Letters and Papers, for he says, that soon after he had got them into his Possession, and sorted them, he put his Mark upon them ; — you will find his Mark upon all of them,—upon all of them he took out of the Bureau ; they are all in a Parcel together ; and he farther says, that his Mark is now upon every one of the said Letters, and that they have received no other Alteration or Addition whatever since, besides that they were digested into Order ; I suppose, he means they were digested

gested into Chronological Order, and then numbered. And the Substance of this Evidence is in a great Measure corroborated by the several Testimonies of the Constable, one *Clark* an Assistant, Mrs. *Blount* the Landlady of the House, and her Maid, *Sarah Wilson*, who all swear, that they saw Mr. *Carrington*, the King's Messenger, take out of Dr. *Hensley's* Bureau, on the twenty-first Day of *August* last, certain Letters and Papers which they say, do look like the Papers and Letters shewn them just now in Court. In Order to shew, what became of these Papers and Letters afterwards, the Witness *Carrington* tells you, that after he had marked them, he carried them to the Secretary of State's Office in *Whitehall*, and delivered them to the Honourable Mr. *Stanhope*.—— After this Mr. *Stanhope* examined the Prisoner at the Bar several times; and then he says, the very Letters and Papers he had received from Mr. *Carrington*, he carried and delivered with his own Hands to Mr. *Francis*. Mr. *Francis* swears, that he received these very Letters and Papers from the Honourable Mr. *Stanhope*, that he procured them to be translated out of *French* into *English*; and that when he had drawn up his Proceedings therefrom, he delivered them to *Philip Carteret Webb*: Mr. *Webb* says, that the Letters and Papers he so received from Mr. *Francis* he has this Day brought into Court. And thus they have proved the Identity of the Letters and Papers now produced and read in Court to be the very same as those taken out of the Prisoner's Bureau. As to the Objection relating to the Property of the Bureau, that is trifling; because it plainly appears, that Mrs. *Blount*, the Landlady of the House in which the Prisoner lodged, let Dr. *Hensley* a Parlour even with the Street ready furnished, having in it a Bureau, a
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Glass, Chairs, and some other Things; these Dr. *Hensley* was to have the Use and Possession of so long as he remained her Lodger: So that the Use and Possession of the Bureau was indisputably in the Prisoner at the Bar. And this is without Controversy the Truth. But, Gentlemen, the finding of these Letters, Papers and Writings in the Prisoner's Bureau, though they do contain a Suspicion of a treasonable Correspondence carried on between the Prisoner at the Bar, and the Subjects of the *French* King, yet as there is no Evidence, besides strong Presumption, to prove, that these Letters and Papers, or Copies of them, were ever sent to the Subjects of the *French* King, they, by being only found in the Prisoner's Bureau, cannot be any Way construed an Act of High Treason. But suppose, these Letters, Papers, Plans of fortified Places, &c. had been found on the Person of the Prisoner at the Bar, in his Pocket, or in any other Part of his Cloaths concealed, and he was endeavouring to leave the Kingdom, in such Case, they would have constituted an Overt-Act, though he should have been taken before he had executed his Design. The Case is otherwise, these Letters, Papers and Plans of fortified Places were found locked up in a Bureau; therefore all that has been said, though it amounts to a strong Suspicion, that the Prisoner at the Bar has carried, or might be suspected of having carried, on a treasonable Correspondence with the *French*, is not sufficient to support the Charge of High Treason brought against the Prisoner at the Bar. Wherefore, on the Side of the Crown, they have farther proved, That Dr. *Florence Hensley*, the Prisoner at the Bar, did send several Letters and Papers to the Agents, Officers and Subjects of *Louis*, the *French* King, which were intercepted at the Post-Office. To support

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which, they have called, one *James Newman*, the Person who rings the Bell, collects and delivers out Post-Letters in the Walk wherein Dr. *Hensley* lately lived, who swears, that he understanding the Prisoner at the Bar to be a Roman Catholick, suspected he might be in the Interest of the Pretender, and in looking narrowly into one Letter he had received from Dr. *Hensley*, he discovered it to be wrote in *French*, which, he says, led him to challenge that Letter, and to advise one of the Examining Clerks at the Post-Office to intercept it, and to inspect the Contents of it ; which being done, the Subject of the Letter was found to be concerning the late Secret Expedition. After this Time, several other Letters were intercepted going from and coming to Dr. *Hensley*, the Prisoner at the Bar. The Reception and Interception of all which Letters and Papers, which were passing between Dr. *Hensley* and the Subjects of the *French* King, are fully proved by the concurrent Testimony of *Newman*, the Postman, and Mr. *Matthews*, the Examining Clerk. All which Testimonies of taking treasonable Letters in the Possession of the Prisoner, and of intercepting others containing a traiterous Correspondence between the said Doctor *Hensley*, the Prisoner at the Bar, and the Subjects of the said *Louis* the *French* King, will avail nothing towards proving the Prisoner guilty of High Treason, if it cannot also be proved, and that to your Satisfaction, that Dr. *Hensley*, the Prisoner at the Bar, did write the Letters, or some of the Letters thus produced, sent, and intercepted. —Now, to prove, that they are the Hand-writing of the Prisoner of the Bar, and to prove that he wrote them, they call two Witnesses ; *Mendez da Costa*, the first Evidence to the Hand-writing, swears, That he has been personally acquainted with Dr. *Florence Hensley*

Hensley for Ten Years past, that he has often seen him write, and that he has now in his Possession several Letters which the Prisoner had from Time to Time sent to him. He looked over the Letters and Papers in Question shewn him with seeming Attention, and solemnly declared, that he was certain, that those Letters were the Hand-writing of Dr. *Hensley*, the Prisoner at the Bar ; — he knew they were his Hand-writing, he affirms, from the Manner and Form in which they are wrote, and likewise the Way in which they are folded up. Being Cross-Examined as to the Certainty of his Knowledge of the Prisoner's Hand-writing, he answered, that he was so well acquainted with Dr. *Hensley's* Hand-writing that he could make no Mistake. This is corroborated by the Testimony of Mr. *Brown* an Apothecary, who swears, that he had seen the Prisoner write once, that he had received several of his Prescriptions, and that he had now several of them by him. You see him look stedfastly on the Prisoner's Letters, and then he solemnly affirmed, “ They are wrote by Dr. *Hensley*, they are his Hand-writing, I am sure of it ; — the more I look at them, the more I am convinced the Prisoner wrote them.” This is the Substance of the Evidence given on the Side of the Crown, which I shall leave to your Consideration without any farther Remark ; and proceed to observe to you, what has been offered in Behalf of the Prisoner at the Bar. They have not called one Witness either to depreciate any one of the Evidences on the Side of the Crown, or in Extenuation of the High Crime laid to the Charge of the Prisoner. The Council for him, have contented themselves with raising several Objections, which have in Part been answered. The most material are these two, and which now lie for your Consideration

sideration and Determination; first, whether the Letters written by Dr. *Hensley*, and put into the Post-Office, directed to go Abroad, being intercepted, are Overt-Acts of High-Treason? It is to be considered here, what constitutes an Overt-Act, in Cases of High-Treason; it is the Endeavour of any one as far as lies in the Party's Power by his Advice, or otherwise, to raise a Civil War, or to persuade or advise the Subjects of a Foreign State, to invade these Kingdoms: Such Counsel and Endeavour are deemed to be compassing the Life of the King, and an absolute Attempt to dethrone his Majesty. All which, in the Eye of the Law, is deemed High-Treason. How far the unhappy Prisoner at the Bar has been guilty of inviting a foreign Enemy to invade this Kingdom, and to endeavour, as much as in him lay, to make us a Province to *France*, will appear from his own Letters wrote on this very Subject, which we when you withdraw, you will duly weigh and consider. The other Objection is, That the Treason is laid as done in the County of *Middlesex*, when it should be laid in *London*, because the Post-Office is in that City; but this will avail nothing, as one of these Letters is dated from *Twickenham*, which every one knows is a noted Town in the County of *Middlesex*; and that very Letter, when it comes to be read and considered by you, will be found to be an Overt-Act of High Treason, and consequently subject the Prisoner to the Loss of his Life. As yet I have not, through the Course of this Trial, observed any Thing to occur in Favour of the Prisoner at the Bar, though I have watched with the utmost Diligence, as I am Council for the Prisoner, to speak in his Behalf, and vindicate him, if possible, from the heavy Charge of High Treason brought against him. This Matter, Gentlemen, is

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now brought within a narrow Compass, there is but little remaining for your Consideration, if you give Credit to the Testimonies of the several Witnesses produced on the Side of the Crown, and that is, whether the Subject-Matter of the Letters, Papers and Writings contain a treasonable Correspondence ; and if you should on reading them over maturely find, that the Prisoner has invited a foreign Power to invade these Dominions, then you will find for the Crown ; but if you should be of Opinion, that these Papers and Writings do not contain any Thing treasonable, and that the Prisoner has not carried on a traiterous Correspondence with the Subjects of the *French* King, now the open and avowed Enemies of His Majesty and this Kingdom, then You, Gentlemen, will acquit him.

Then the Jury withdrew, and when they had been out about twenty Minutes, one of the Jury came into Court, and desired to have one of the Letters, which had been left behind, which was delivered to him. And then in about twenty Minutes more they returned with the Verdict.

The Clerk called the Names of the Jury over.

Clerk. Gentlemen: Are you agreed in your Verdict ?

Jury. Yes.

Clerk. Who shall say for you ?

Jury. The Foreman.

Clerk. *Florence Hensley*, Doctor of Physick, hold up your Hand.

Which he did.

Clerk. Look on the Prisoner at the Bar, who now stands on his Deliverance ;—How say you, is *Florence Hensley*, the Prisoner at the Bar, guilty of the Indictment he stands charged with, or not guilty ?

Foreman.

Foreman. GUILTY.

Clerk. And so ye all say.

Jury. Yes.

Clerk. Do you find that the Prisoner at the Bar was possessed of any Goods and Chattels at the Time of his being guilty of this Treason?

Jury. We do not find that he had.

Court. Take Care of the Prisoner.

Upon which the Prisoner was remanded back to his Majesty's Gaol of *Newgate*, and on the *Wednesday* following, being the last Day of Term, he was escorted by a Party of Horse, from the said Prison to the Bar of the *King's Bench Court*; when the Prisoner received the following Sentence:

J U D G E.

Florence Hensley, Doctor of Physick, Florence Hensley, Doctor of Physick, You stand convicted by your Country of being guilty of High Treason in carrying on a Correspondence with the Agents and Subjects of Louis the French King, with whom we are now at open War, and inviting the said Enemies of your Country to invade these Realms, and to make a most bloody Slaughter on His Majesty's Subjects. Therefore this Court hath ordered me to pronounce on you the following Sentence: You shall go back to the Place from whence you came, and from thence on Wednesday, the twelfth of July next you are to be drawn upon a Hurdle to the Place of Execution, and there you shall be hanged by the Neck, but not till you are dead, then you shall be cut down and your Privy Members shall be cut off, your Entrails shall be taken out of your Body, and the same shall be burnt before your Face, and your Head shall be cut off, your Body shall be divided into four Quarters, and shall be disposed of at His Majesty's Pleasure, and the Lord have Mercy upon your Soul.

The E N D.